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Notice of Allowability	Application No.	Applicant(s)	
	10/758,805	PAVLYKIVSKYJ, MYKHAIJLO	
	Examiner	Art Unit	
	Nicholas Ponomarenko	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to paper dated 1/16/2004.
2. ☒ The allowed claim(s) is/are 13-19.
3. ☒ The drawings filed on 16 January 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>1 page</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-12 drawn to an electrical vehicle.
 - II. Claims 13-19, drawn to a power generating assembly.
2. The inventions are distinct, each from the other because of the following reasons:
Inventions of Group I through II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different mode of operation, functions and effects.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Mr. Andrew G. Kolomayets (Reg. No. 33,723) on November 9, 2004 a provisional election was made without traverse to prosecute the invention of Group II, claims 13-19. Claims 1-12 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.
5. This application is in condition for allowance except for the presence of claims 1-12 to invention non-elected without traverse. Accordingly, claims 1-12 have been cancelled.

Examiner's Amendment

6. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. §1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

7. Authorization for this Examiner's Amendment was given in a telephone interview with Mr. Andrew G. Kolomayets (Reg. No. 33,723) on November 9, 2004.

8. The application has been amended as follows:

Cancel claims 1-12.

Claim 13. (Amended) A power generating assembly in a vehicle comprising:

a generator for generating an electrical power;

a rotor assembly attached to said generator having a plurality of uniformly spaced cavities disposed about the center thereof and defining a plurality of raceways;

a plurality of mobile weights within said raceways, said weights adapted for movement within said cavities; wherein

said rotor assembly and said generator being held by a framework attached to the vehicle; wherein

said framework has first and second double-bearing assemblies.

Reasons for Allowance

9. Claims 13 -19 are allowed.

10. Examiner's Statement of Reasons for Allowance:

Applicant(s) invention relates to a power generating assembly, and more specifically, to structural features of the power generating assembly.

The system has a generator driven by a rotor assembly. The rotor assembly has a massive disk with slots along which plurality of weights can slide along when disk is rotated. A double-bearing assembly is provided for proper rotation capabilities.

There are inventions in the field that provide similar functionality and/or have similar features, as prior art of record shows. Applicant invention differs from the prior art of record by the configuration of the structural elements, which are performing as disclosed and claimed, and which examiner's search failed to find.

11. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2834

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant(s) disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Ponomarenko whose telephone number is (571) 272- 2033, Fax: (571) 273-2033, or to his SPE Darren Schuberg – (571) 272-2044.

14. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2800 Customer Service
Phone: (571) 272-2815

Np
November 10, 2004



Nicholas Ponomarenko
Primary Examiner
Technology Center 2800